

Remarks

The record as it stands for Appeal has failed to establish (and in many instances, has failed to assert) correspondence to multiple claim limitations in each of the independent claims, and the various interpretations of the cited references are erroneous. The instant Office Action generally restates Applicant's arguments as presented in response to the prior Office Action, summarizes each of the Office Action's previous arguments, but fails to either address Applicant's arguments or provide explanation as to the lack of teaching or suggestion of various limitations in the cited references. The instant Office Action also failed to specifically address limitations in claims 17-20 as added in the prior response. Accordingly, no valid rejection remains on the record and the Office Action is incomplete as failing to present complete rejections of claims and/or failing to indicate that claims are allowable.

More specifically, the Office Action dated April 1, 2009, indicated that claims 1, 11-12 and 17 stand rejected under 35 U.S.C. § 103(a) over Belschner *et al.* (U.S. Patent No. 7,103,805) in view of Kleveland (U.S. Patent No. 5,528,168); claims 3-10, 13, 15-16 and 18-20 stand rejected under 35 U.S.C. § 103(a) over the '805 reference in view of the '168 reference, and further in view of Riley (U.S. Patent No. 5,706,289); and claims 2 and 14 stand rejected under 35 U.S.C. § 103(a) over the '805 reference in view of the '168 reference, and further in view of Baek (U.S. Patent No. 5,680,554). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action. Moreover, as the instant Office Action has generally failed to address Applicant's traversals, Applicant fully incorporates its traversals of record herein.

Using claim 1 as an example, the claimed invention is directed to a communications unit, a bus monitor and a bus driver, where the communications unit and bus monitor each independently generate release signals, and where the bus driver compares the release signals. Accordingly, two separate release signals are generated, and as recited in claim 1, "the bus driver evaluates these two release signals and, in the event that the two release signals do not coincide, blocks the access of the network node to the communication medium." This approach thus not only facilitates the suppression of errors, it facilitates the detection of errors. As previously stated by the Applicant, the

cited references fail to disclose multiple limitations including any bus driver as claimed, and the generation and use of two separate release signals (with the missing bus driver or otherwise), and further fail to contemplate the invention as a whole.

In response to Applicant's traversals pointing out the lack of disclosure of any bus driver or the comparison of independently-generated release signals, the instant Office Action replies that the '805 reference teaches:

a network node comprising a communication unit for the implementation of a communication protocol for communication with other network nodes via a communications medium a bus monitor, and a bus driver, where the communication unit and the bus monitor each mutually independently and each implement an access time schedule contained in a configuration data record.

This discussion does not address Applicant's traversals and fails to provide any explanation whatsoever as to where any "bus driver" is present in the '805 reference or as to how such a bus driver would function in evaluating release signals independently generated by a communications unit and a bus monitor. In an apparent attempt to assert correspondence to functions of the claimed bus driver, the Office Action goes on to state that the '168 reference teaches:

the limitation of the event that when the two release signals do not coincide, of blocking the access of the network node to the communication medium.

This discussion provides no explanation as to where any bus driver exists, as to how such a bus driver would function with the '805 reference, or as to where release signals are independently generated. Specifically, the cited diagnostic unit in the '168 reference does not generate any trigger, and the "retrigger" at column 3:13 is compared to a time pattern generated by a "time registering means" (*see*, Col. 3:6-9), rather than to any signal generated by the cited diagnostic unit (*i.e.*, the diagnostic unit does not generate a retrigger signal). There is thus no generation of separate release signals and comparison of the same, as claimed.

Further regarding the cited "trigger" signal, the alleged correspondence to the claimed release signal fails because only a single trigger is generated, whereas the claimed invention is directed to the generation of two release signals that are compared. Referring to column 3:6-16 in the '168 reference, the time-registering means provides the time pattern (defined by trigger signals), and it is only the cited bus monitor unit that retriggers in

response to the time pattern. The diagnostic unit never retriggers, and instead uses the time pattern to determine whether the bus monitor properly retriggers (*see, e.g.*, Col 3:13-16). This single-trigger generation provides no correspondence to the claimed invention (*i.e.*, the alleged “comparison” is only based upon the alleged time pattern itself, and not upon different signals that are generated from the time pattern). Moreover, the cited retrigger and the time pattern (initial trigger) are not independently-generated as the claimed release signals are, because the retrigger is actually based upon the time pattern (and initial trigger).

In addition to the above, the cited portions of the ‘168 reference do not provide correspondence to limitations directed to blocking network access based upon the coincidence (timing) of signals. As established in the record, the ‘805 reference does not teach blocking the access of the network node in the event that two release signals do not coincide. The cited “arbitration logic” 510 in the ‘168 reference does not operate based upon any “coincidence” of signals, and is instead based upon matching identifications, while the “comparison circuit” 540 “compares device identification bits 535 to master identification bits 525.” This comparison has nothing to do with coincidental signals (*i.e.*, has nothing to do with timing). Accordingly, the Office Action’s assertion that the cited ID comparison involves determining timing coincidence is untenable. As with various other traversals, the instant Office Action is silent.

In view of the above, the record is thus devoid of a showing of any correspondence to limitations directed to the generation of two separate release signals and the comparison of these signals at a bus driver.

Regarding new claims 17-20, the Office Action has not directly addressed the limitations, instead apparently including these claims in the listing of prior rejections, to which no further discussion has been added, relative to the specific limitations in claims 17-20 or otherwise. In this regard, the Office Action has not shown correspondence to limitations including those directed to evaluating the timing of two independently-generated release signals, and blocking network access when the release signals do not coincide in time.

The instant Office Action has also failed to fully address Applicant’s traversals pointing out the impropriety of the combination of references, in that the proposed combination results in an inoperable embodiment. Instead of addressing Applicant’s

traversals, the Office Action generally states that the cited references are “exemplary,” and continues to ignore the resulting inoperability. Specifically, replacing the retrigger comparison of the ‘805 reference with an arbitration scheme based upon the ID of the bus agent sending the request would result in blocking or allowing bus access regardless of any timing-related conditions (*i.e.*, as long as the ID matches). Moreover, the use of an ID comparison in the ‘168 reference involves controlling access by separate bus agents, whereas the ‘805 reference controls access internally to a specific, central node. Accordingly, modifying the ‘805 reference as asserted would render it inoperable for internal monitoring at a central node, in direct contrast to the purpose of the ‘805 reference. As established in the record, the proposed combination of references is improper due to the above-discussed inoperability (*see, e.g.*, M.P.E.P. § 2143.01, and *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) (A §103 rejection cannot be maintained when the asserted modification undermines purpose of the main reference.)).

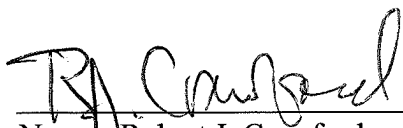
The instant Office Action has not addressed Applicant’s traversals regarding the failure of the cited references to disclose various limitations in the dependent claims. Applicant thus maintains the (uncontested) traversals of the Section 103 rejections of the dependent claims. For instance, the cited “element” (445 and 446 in the ‘289 reference) does not appear to show any inverse coding as in claim 3, as each “element” appears respectively to refer to a node at which an output 451 of a flip-flop 450 and a clock signal are provided (*see, e.g.*, Col. 22:3-45). Generally, the rejection is vague and unclear as to what is being asserted as teaching or suggesting inversely-coded signals and, specifically, inversely-coded trigger signals as modified by the ‘805 reference, and the instant Office Action has failed to further clarify (or even mention) these rejections. Regarding claims 4 and 5, the Office Action’s citation to a low-pass filter for improving the fidelity of a protection time slot logic does not disclose limitations directed to an evaluation of release signals under the influence of a low-pass filter. Regarding claims 6 and 7, the Office Action’s citation to an interface to a communications computer does not disclose claim limitations directed to error-state detection that is “resettable from the outside” (claim 6) or “signaled to the outside (claim 7). These are simply examples of claims bearing limitations to which no correspondence has been provided on the record. As such, the rejections of these claims cannot be maintained.

Moreover, the Office Action has not addressed Applicant's traversals specifying lack of motivation, simply stating that such motivation "is given in the Office Action." To summarize, the record has failed to establish valid motivation for modifying the '805 reference in connection with multiple claim rejections. For instance, the rejection of dependent claim 3 is improper because the asserted motivation for inversely coding the cited trigger signals fails to explain how the trigger signals in the '805 reference could be inversely coded and/or could function as such. The alleged rationale for modifying the '805 reference in order to arrive at the limitations in claim 3 is based upon an unsupported supposition that one of skill in the art would be motivated "if the design so dictated" or "per a specific set of physical instructions" and fails to provide any evidence in support of the supposed "design" or "physical instructions" (which do not exist). Moreover, the record is unclear as to how the '805 reference could use coded trigger signals, much less inversely-coded trigger signals (*e.g.*, it is unclear as to how such signals could be coded or decoded, or accordingly used as a trigger), and the instant Office Action has failed to clarify this issue. Regarding the rejection of dependent claims 4-5, the asserted motivation to mitigate "noise or channel transients" is unrelated to the proposed modification and to the claim limitations to which the rejection is directed.

In view of the remarks above and the traversals of record as incorporated herein (and unaddressed in the instant Office Action), Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, David Cordeiro, of NXP Corporation at (408) 474-9068.

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